

Amendment No. 1 to SB1043

Bailey  
Signature of Sponsor

**AMEND Senate Bill No. 1043\***

**House Bill No. 1231**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 50, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Entertainment":

(A) Means a form of diversion, recreation, or show; and

(B) Includes:

(i) Theatrical or operatic performances;

(ii) Concerts;

(iii) Motion pictures;

(iv) Shows or events at fair grounds;

(v) Amusement parks; and

(vi) Athletic games or competition, including football, basketball, baseball, boxing, tennis, hockey, or another sport;

(2) "Place of entertainment":

(A) Means a privately or publicly owned facility for entertainment for which an entry fee is charged; and

(B) Includes a theater, stadium, arena, racetrack, museum, amusement park, or other place where performances, concerts, exhibits, or athletic games or contests are held;

(3) "Resale":

(A) Means a sale of a ticket for entrance to a place of entertainment located within the boundaries of this state, other than a sale by the operator or the operator's agent who is expressly authorized to make first sales of the tickets; and

(B) Includes a sale made in person, or by means of telephone, mail, delivery service, facsimile, internet, email, or other electronic means, where the venue for which the ticket grants admission is located in this state;

(4) "Third-party ticket reseller" means an individual, firm, corporation, or other entity that:

(A) Engages in the business of reselling tickets to a place of entertainment;

(B) Operates an internet website or other electronic service that provides a mechanism for two (2) or more parties to participate in a resale transaction;

(C) Facilitates resale transactions by means of an auction; or

(D) Maintains an office, branch of an office, bureau, agency, or other entity for purposes of engaging in the business of reselling tickets to a place of entertainment; and

(5) "Ticket" means evidence of the right of entry to a place of entertainment located within this state.

(b) A third-party ticket reseller, ticket broker, ticket issuer, and ticket resale website shall disclose the total cost of a ticket, including all ancillary fees and service charges, to be paid in order to complete the purchase of a ticket, prior to the ticket being selected for purchase.

(c) The information required to be disclosed pursuant to subsection (b) must be disclosed in a clear and conspicuous manner and in dollars. If a ticket is sold through a

website, then the information required to be disclosed must be displayed in the ticket listing prior to the ticket being selected for purchase. The information disclosed must not be false or misleading, and must not be presented more prominently, or in the same or larger size font, as the total price.

(d) The price of a ticket sold through a website must not increase after a consumer has selected a ticket for purchase, excluding reasonable fees for delivery of non-electronic tickets based on the delivery method selected by the purchaser prior to payment for the ticket.

SECTION 2. Tennessee Code Annotated, Section 39-14-127(a), is amended by adding the following as a new subdivision:

(9) Uses or displays any combination of text, images, website graphics, website display, or website addresses that are substantially similar to the website of an operator with the intent to mislead a potential purchaser, without written authorization. For purposes of this subdivision (a)(9):

(A) "Operator" means an individual, firm, corporation, or other entity, or an agent of such individual, firm, corporation, or other entity that:

(i) Owns, operates, or controls a place of entertainment or that promotes or produces a performance, concert, exhibit, game, athletic event, or contest; and

(ii) Offers for sale a first sale ticket to the place of entertainment or performance, concert, exhibit, game, athletic event, or contest; and

(B) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater, racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held.

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by deleting subdivision (52) and substituting:

(52)

(A)

(1) Using the trade name or trademark, or a confusingly similar trade name or trademark of any place of entertainment, or the name of any event, person, or entity scheduled to perform at a place of entertainment in the domain of a ticket marketplace URL, without written authorization from the place of entertainment, event, person, or entity scheduled to perform at a place of entertainment to use the trade name, trademark, or name in the domain of the URL prior to the use; or

(2) Using or displaying any combination of text, images, website graphics, website display, or website addresses that are substantially similar to the website of an operator with the intent to mislead a potential purchaser, without written authorization from the operator;

(B) For purposes of subdivision (b)(52)(A):

(i) "Domain" means the portion of text in a URL that is to the left of the top-level domains such as .com, .net, or .org;

(ii) "Operator" means an individual, firm, corporation, or other entity, or an agent of such individual, firm, corporation, or other entity that:

(a) Owns, operates, or controls a place of entertainment or that promotes or produces a performance, concert, exhibit, game, athletic event, or contest; and

(b) Offers for sale a first sale ticket to the place of entertainment or performance, concert, exhibit, game, athletic event, or contest;

(iii) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater,

racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held;

(iv) "Ticket" means a printed, electronic, or other type of evidence of the right, option, or opportunity to occupy space at, to enter, or to attend a place of entertainment, even if not evidenced by any physical manifestation of the right, option, or opportunity; and

(v) "Ticket marketplace" means a website that provides a forum for or facilitates the buying and selling, or reselling, of a ticket;

SECTION 4. Tennessee Code Annotated, Section 47-25-512, is amended by deleting "shall be liable in a civil action by the registrant for any and all of the remedies provided in § 47-25-514, except that under subdivision (2) the registrant shall not be entitled to recover profits or damages unless the acts have been committed with the intent to cause confusion, mistake or deception."; by deleting "any person who:" and substituting "any person who does the following is liable in a civil action by the registrant for any and all of the remedies provided in § 47-25-514, except that under subdivision (2), the registrant is not entitled to recover profits or damages unless the acts have been committed with the intent to cause confusion, mistake, or deception:"; and adding the following as a new subdivision:

(5) Uses or displays any combination of text, images, website graphics, website display, or website addresses that are substantially similar to the website of an operator with the intent to mislead a potential purchaser, without written authorization. For purposes of this subdivision (5):

(A) "Operator" means an individual, firm, corporation, or other entity, or an agent of such individual, firm, corporation, or other entity that:

(i) Owns, operates, or controls a place of entertainment or that promotes or produces a performance, concert, exhibit, game, athletic event, or contest; and

(ii) Offers for sale a first sale ticket to the place of entertainment or performance, concert, exhibit, game, athletic event, or contest; and

(B) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater, racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it, and applies to sales occurring on or after that date.